

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	MM Docket No. 04-312
Amendment of the Television Table of	)	RM No. 11049
Allotments to Delete Noncommercial	)	
Reservation of Channel *39, 620-626 MHz,	)	
Phoenix, Arizona, and to Add	)	
Noncommercial Reservation on Channel 11,	)	
198-204 MHz, Holbrook, Arizona	)	

To: Video Division

**JOINT MOTION TO EXTEND TIME IN WHICH TO FILE COMMENTS AND  
REPLY COMMENTS**

NBC Telemundo Phoenix, Inc. (“NBC Telemundo”) and Community Television Educators, Inc. (“CTE”) (collectively, the “parties”), by their attorneys and pursuant to Section 1.46(b) of the Commission’s Rules, 47 C.F.R. § 1.46(b) (2003), hereby submit this motion to extend the time in which to file comments in the above-captioned proceeding to and including November 30, 2004 (the current due date for reply comments) and to extend the time in which to file reply comments to and including December 14, 2004. The circumstances in support of this request are set forth below.

On August 7, 2003, the parties filed a Joint Petition to Amend the Television Table of Allotments (“Joint Petition”) in which they request the Commission to delete the noncommercial reservation of Channel \*39 in Phoenix (licensed to CTE), reserve Channel 11 in Holbrook (licensed to NBC Telemundo), modify NBC Telemundo’s license to specify Channel 39, and modify CTE’s license to specify Channel \*11. The purpose of the Joint Petition is two-fold: (1) to introduce a full-power Spanish-language competitor to Univision in Phoenix, the nation’s ninth-largest Spanish-language

television market and the *only* market among the top ten Hispanic Designated Market Areas lacking such a full-power competitor to Univision and (2) to preserve Holbrook's only television station, which cannot be sustained as a full-power commercial outlet. On August 6, 2004, the Commission, through its Video Division, adopted a *Memorandum Opinion and Order and Notice of Proposed Rule Making* ("NPRM") seeking comments on the Joint Petition and establishing October 15, 2004, as the deadline for filing comments and November 30, 2004, as the deadline for filing reply comments.

Pursuant to Section 1.1208, rule making proceedings to amend the table of allotments are restricted proceedings for purposes of the *ex parte* rules, and the NPRM so provides. 47 C.F.R. § 1.1208 (2003). However, because the outcome of this proceeding will be determined based on an analysis of a number of public interest considerations that transcend the specific rights and responsibilities of the individual parties and have the potential to bring substantial benefits to affected groups who are not parties to the proceeding, the parties filed a motion pursuant to Sections 1.1200 and 1.1208, Note 2 of the Rules to change the *ex parte* status of the proceeding from restricted to permit-but-disclose. 47 C.F.R. §§ 1.1200, 1.1208, Note 2 (2003). In a letter ruling released on September 8, 2004, the Video Division denied the motion.

Because the parties continue to believe that permit-but-disclose status is more appropriate for this proceeding, they are seeking further review of the denial of the motion by filing an application for review of the letter ruling on or before the due date of October 8, 2004. An extension of time in which to file comments would give the Commission an opportunity to rule on the application for review, ideally before the comments are due, which would facilitate a more consistent and orderly process for the conduct of this proceeding.

Because NBC Telemundo and CTE are the only parties to this proceeding, the extension of time requested herein will have no impact on any other parties and will not impede or interfere with the orderly disposition of Commission proceedings.<sup>1</sup>

**WHEREFORE**, in view of the foregoing, the parties respectfully request the Video Division to extend the time in which to file comments to and including November 30, 2004, and the time in which to file reply comments to and including December 14, 2004.

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<sup>1</sup> Additional time also will facilitate the parties' efforts to confirm their understanding, based on prior Commission precedent, that they would be given an opportunity to decline to implement any change to the Table of Allotments, in favor of preserving the *status quo*, if the Commission ultimately rejects the parties' requested waiver of the uncodified policy of opening newly dereserved channels to competing applications and competitive bidding.

Respectfully submitted,

**NBC TELEMUNDO PHOENIX, INC.**

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**COMMUNITY TELEVISION EDUCATORS,  
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Their Attorneys

Dated: October 8, 2004

## **CERTIFICATE OF SERVICE**

I, Theresa L. Rollins, do hereby certify that a copy of the foregoing “Joint Motion to Extend Time in Which to File Comments and Reply Comments” was served by electronic mail this 8<sup>th</sup> day of October, 2004, on the following:

Barbara Kreisman  
Chief, Video Division  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

/s/  
Theresa L. Rollins